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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,669	09/12/2003	Jack Wang	WANG155	7556
1444	7590	02/08/2005	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			LONEY, DONALD J	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/660,669

Applicant(s)

WANG, JACK

Examiner

Donald Loney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 7 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilmore et al (5688569).

Gilmore et al teaches a strap 10 that is longer than it is wide as recited in claim 1 that also contains a distinctive strap 60 within a recess towards the edge portion of the strip that forms a decorative effect. The distinctive strip has an aluminum layer thereon (for instant claim 4). Refer to figure 18, column 4, lines 16-45 and column 6, lines 18-32.

3. Claims 1, 3, 6, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Goodwin (2671661).

Goodwin also teaches a strap as recited which also contains a painted color layer for the distinctive strip along the edge of the strap per instant claims 12 and 13. Refer to figures 2, 3, 8 and 11 along with column 1, lines 43-55, column 2, lines 32-39, column 3, lines 6-11, and column 4, lines 45-67.

4. Claims 1, 2, 6 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang (6234920).

Wang teaches a strap formed of polyurethane coated felt wherein a distinctive strip (either 21 or 42) is positioned close to the edge of the strap. Either section 42 to

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the right or left end of figure 3 reads upon instant claim 6 for the abutting feature. Either strip 21 in figures 1 and 2 or the referred to section 42 above can be considered the recessed distinctive strip.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 5 and 8-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Chen et al (5851632).

The primary reference teaches the invention substantially as recited except for the two second bottom surfaces which form a beveled trapezoidal type configuration and size and thickness of the distinctive strap and protective strap, respectively per, claims 5 and 8-10.

Chen et al teaches a strap, formed of the same polyurethane coated fabric as Wang, with a trapezoidal type structure for the bottom edges at 77 and 87 so that sections of the tape can overlap when wound upon a handle and form a smooth junction there between. Refer to figures 2, 3 and 4 along with column 3, lines 8-19.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to Wang et al to form beveled edges along the underside of the substrate, as taught by Chen et al, in order to provide a smooth and more level overlapping when winding the tape around a handle which would be more comfortable

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to the user. The examiner deems the relative size of the distinctive strap to the protective strap as obvious to one of ordinary skill in the art motivated by the fact that one can apply a decorative effect to as much of the surface as desired. The thickness of the strap would also be obvious motivated by the fact that one would form a strap of the thickness needed to impart the structural properties needed for its particular application, which in this case is the same as the applicant (i.e. a wrapping for a handle).

***Allowable Subject Matter***

7. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

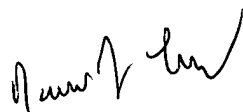
8. The following is a statement of reasons for the indication of allowable subject matter: Claim 11 is deemed allowable since the prior art fails to teach the recited recesses along both edges of the strap and a stepped structure to the distinctive strap.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Loney whose telephone number is (571) 272-1493. The examiner can normally be reached on Mon, Tues, Thurs and Fri. 8AM-4PM, flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Donald Loney  
Primary Examiner  
Art Unit 1772

DJL:D.Loney  
02/07/05